

**4-305. Notice of dismissal of complaint.**

*[For use with Magistrate Court Rule 2-305 NMRA and  
Metropolitan Court Rule 3-305 NMRA]*

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ COURT

\_\_\_\_\_, Plaintiff

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

**NOTICE OF DISMISSAL OF COMPLAINT<sup>1</sup>**

Plaintiff hereby dismisses plaintiff's complaint without prejudice.

\_\_\_\_\_  
Plaintiff or attorney for plaintiff

**CERTIFICATE OF SERVICE<sup>2</sup>**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_\_

*(insert paper served, such as "answer" or "notice")* was

[mailed by United States first class mail, postage prepaid, and addressed to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State  
and zip code: \_\_\_\_\_]

[faxed by \_\_\_\_\_ (*name of person who faxed document*) to  
\_\_\_\_\_ (*name of recipient*) at \_\_\_\_\_ (*telephone number*).

The transmission was reported as complete. The time and date of the transmission was  
\_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (*date*).]

[e-mailed to \_\_\_\_\_ (*name of party or attorney*) at \_\_\_\_\_  
(*electronic mail address of recipient*) upon agreement of the party to accept electronic  
service. The transmission was reported as complete. The time and date of the transmission  
was \_\_\_\_\_ (p.m.) (a.m.) on \_\_\_\_\_ (*date*).]

[delivered to \_\_\_\_\_ (*Specify how service by delivery was made.*  
*See Use Note 1 for the methods service may be made using this alternative*)  
\_\_\_\_\_:]

\_\_\_\_\_  
Signature of person sending paper

\_\_\_\_\_  
Date of signature

### USE NOTES

1. This form may not be used if the defendant has filed an answer or other responsive pleading. Civil Form 4-306A NMRA is used if the defendant has filed an answer or other responsive pleading.

2. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-203 NMRA. *See also* Rule 2-307 NMRA for how motions are presented to the court.

[As amended, effective November 1, 2000; as amended by Supreme Court Order No. 05-8300-05, effective March 21, 2005.]